



Mary-Ann Warmerdam
Director

Department of Pesticide Regulation



Arnold Schwarzenegger
Governor

Marin County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

**California Environmental Protection Agency
Department of Pesticide Regulation
1001 I Street
Sacramento, California 95814**

October 8, 2008

Performance Evaluation of Marin County Agricultural Commissioner's Pesticide Use Enforcement Program

This report provides a performance evaluation of Marin County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year (FY) 2007/2008. The assessment evaluates the performance of goals identified in the CAC's Enforcement Work Plan (EWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and EWP goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and EWP goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and EWP goals.

Summary Statement:

The Enforcement Branch Liaison (EBL) has been unable to conduct oversight inspections with the county staff prior to this evaluation due to light brown apple moth trapping and other time consuming investigations. Marin CAC's pesticide use program is effective and meets DPR standards.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance

The Marin CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Permit amendments follow approved procedures.

The Marin CAC only issues restricted materials permits for a one-year period. The Marin CAC issued 36 restricted materials permits and 41 Operator I.D.s in

FY 2007/2008. One Supervising Inspector and 5 Biologists regularly issue permits. The PUE Deputy gives annual training on the policies and procedures used to issue permits and properly identify sites.

2) Site Evaluation

The Marin CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations.

The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent (NOI) in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

NOIs are received by fax machine, telephone and answering machine. Certified pesticide enforcement staff reviews the NOIs and compares them to the permits in the computer. One biologist is scheduled to remain in the main office each day and reviews the days NOIs and issues permits. Each biologist in the field has a cellular telephone and is often contacted to check sites in sensitive areas when NOIs are submitted.

B) Compliance Monitoring:

1) Inspections

The Marin CAC's inspection procedures and performance were evaluated through record review and were found to conform to DPR standards and expectations.

- Biologists performing inspections possess Pesticide Regulation and Investigation and Environmental Monitoring licenses.
- Inspections are performed according to the inspection strategy documented in the CAC's EWP.
- Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.
- The biologists review the compliance history for the firm/person inspected and meet with the Supervising Inspector and Deputy before issuing a violation notice. The Supervising Inspector and Deputy are responsible for approving violation notices, case files, and Notices of Proposed Action (NOPAs).

Inspections performed by the CAC were found to:

- Adequately document non-compliances/violations; and

- Include appropriate follow-up inspections and procedures.

2) Investigations

The Marin CAC investigation procedures and performance were evaluated through record review and interviews of relevant staff and found to conform to DPR standards and expectations.

- The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and/or notifies DPR and other agencies as required.
- All Marin CAC staff that conducts pesticide enforcement investigations is designated as Agricultural Biologists.
- Investigations are thorough and complete and are submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

Investigations performed by the CAC were found to:

- Adequately address label, law and regulatory requirements, if applicable; and
- Include interviews of employers and employees as appropriate.

C) Enforcement Response:

Marin County has improved in submitting decision reports to the DPR under the Enforcement Response Regulation (ERR) requirements in a timely manner.

Marin County staff regularly communicates with DPR EBL regarding violations and possible enforcement actions.

III. Corrective Actions Previously Identified which have been corrected.

- The CAC has developed a layer within the geographic information systems (GIS) database to map properties and track complaints and illness investigations, map sensitive site locations such as schools and endangered species, waterways, etc, as stated in their 2005-2006 EWP and carried over to the 2006-2007 EWP.
- The CAC has improved the accuracy and quality of ranch site maps, as stated in their 2005-2006 EWP and carried over to the 2006-2007 EWP.
- All PUE staff use of digital cameras and taken advantage of digital and other technology, as stated in their 2005-2006 EWP and carried over to the 2006-2007 EWP.
- The CAC has created a checklist for staff to refer to when issuing permits/OPID's, as stated in their 2005-2006 EWP and carried over to the 2006-2007 EWP.
- The CAC has integrated the ERR into the enforcement/compliance actions.

IV. Recommended Corrective Actions

DPR and CAC have jointly identified the following corrective actions:

- The CAC, with assistance from DPR, will provide training in investigative techniques and evidence collection.

V. Non-Core and Desirable Activities

- There were no non-core activities conducted by Marin County in 2007/2008.